

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DEBRA L. GRUBBS,)
vs.)
MICHAEL J. ASTRUE, Commissioner)
of the Social Security Administration,)
Defendant.)

vs.) NO. CIV-09-1245-HE

ORDER

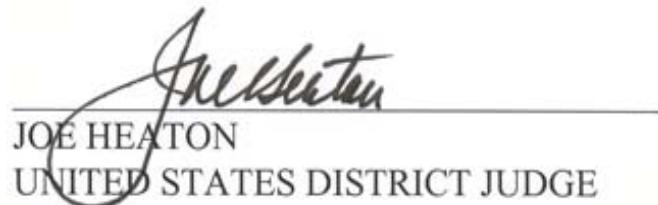
Plaintiff Debra L. Grubbs instituted this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying her disability insurance benefits. Consistent with 28 U.S.C. § 636(b)(1)(B) and (C), the case was referred to Magistrate Judge Shon T. Erwin, who recommends that the Commissioner's decision be reversed and the matter remanded for further proceedings. The magistrate judge found several errors, including, but not limited to, the administrative law judge's failure to properly evaluate the opinions of the plaintiff's treating physicians, review the plaintiff's GAF scores, and review the plaintiff's mental progress notes.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(c); LCvR72.1(a). Accordingly, the court adopts Magistrate Judge Erwin's Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of

which is attached to this order.

IT IS SO ORDERED.

Dated this 24th day of November, 2010.



JOE HEATON
UNITED STATES DISTRICT JUDGE